IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4999 of 2005

Between:

1. B.Ramakrishnaiah, S/o.B.Pullaiah, aged 47 years, R/o.96 MIG, II Phase, APHB Colony, Nandayl, Kurnool District.

2. Katam Reddy Pulla Reddy, S/o.K.C.H.Gureddy, aged 53 years, r/o.H.No.122, MIG, II Phase, APHB Colony, Nandayl, Kurnool District.

3. B.Ramesh Babu, S/o.B.P.Pullaiah, aged 40 years, R/o.73, MIG, APHB Colony, Nandayl, Kurnool District.

4. G.Venkataramappa, S/o.Rammappa, aged about 50 years, R/o.H.NO.97, MIG, APHBH Colony, Nandayl, Kurnool District.

5. Thaher Hussain, S/o.Ahmed Hussain, aged 55 years, R/o.122, MIG, II Phase, APHB Colony, Nandyal, Kurnool District.

6. V.Sundara Reddy, S/o.Lte V.V.Krishna Reddy, Aged 44 years, R/o.19, HIG, III Phase, APHB Colony, Nandyal, Kurnool District.

..... PETITIONERS

AND

1. The Vice-Chairman & Managing Director, APHB, Gruhakalpa, Hyderabad.

2. Executive Engineer (Housing), APHB, Kurnool Region, Kurnool.

3. The Assistant Engineer (Housing) APHB, Nandayal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in insisting for payment of installments with penal interest as illegal, arbitrary and violative of Article 14,21, 300 A of

constitution of India and consequently direct the respondents to accept the remaining balance of amount of one time payment without insisting for penal interest and register the house in favour of the petitioners.

Counsel for the Petitioner:MR.K.SRINIVASA REDDY

Counsel for the Respondents: Mr. D. RANGANATH

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ORDER:

This writ petition is directed against the show-cause notices issued by the respondent Board, asking the petitioners to pay the total arrears of hire purchase installments, the interest amount and also the damages to the extent of 5%, and to comply with the demands made therein. It was further stated in the show-cause notices that if the petitioners fail to comply with the demand made within the period mentioned, the case will be decided on merits, on the basis of material available on record. The petitioners have submitted their explanations to the show-cause notices, and in respect of petitioners No.3, 4 and 6 final Orders were also passed and in respect of petitioners No.1, 2 and 5, the final Orders are yet to be passed.

Since the respondents have already passed final Orders in respect of petitioners No.3, 4 and 6, and the process of passing final Orders in respect of petitioners No.1, 2 and 5 is still in progress, and an alternative remedy of appeal is available to them, I am of the considered opinion that the writ petition is liable to be dismissed, with a liberty to the petitioners to avail the appeal remedy in accordance with Law. Having regard to the facts and circumstances of the case, the petitioners shall file appeal along with stay petition within a period of ten days from today and the same shall be entertained and disposed of as per Law. Till the disposal of the stay petition in the appeal, the final Orders shall not be given effect to. No order as to costs.

19th April, 2005

NOTE: CC by tomorrow.

(B/o. SMR)

To

1. The Vice-Chairman & Managing Director, APHB, Gruhakalpa, Hyderabad.
2. Executive Engineer (Housing), APHB, Kurnool Region, Kurnool.
3. The Assistant Engineer (Housing) APHB, Nandayal, Kurnool District.
4. Two CD copies.